

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

**LAFAYETTE DIVISION**

|  |   |                                |
|--|---|--------------------------------|
| <b>5725 Johnston Street Holdings, LLC,</b> | ) | CIVIL ACTION NO. 6:17-CV-01695 |
|  | ) |                                |
| <b>Plaintiff,</b>                          | ) | JUDGE UNASSIGNED               |
|  | ) |                                |
| <b>v.</b>                                  | ) | MAGISTRATE JUDGE CAROL B.      |
|  | ) | WHITEHURST                     |
| <b>Acadiana Mall CMBS, LLC,</b>            | ) |                                |
|  | ) |                                |
| <b>Defendant.</b>                          | ) |                                |

**EX PARTE MOTION TO SEQUESTER AND APPOINT KEEPER**

In accordance with Rule 64 of the Federal Rules of Civil Procedure and article 3571 of the Louisiana Code of Civil Procedure, Plaintiff 5725 Johnston Street Holdings, LLC ("Plaintiff") requests that the Court issue an *ex parte* order authorizing the issuance of a writ of sequestration for certain mortgaged property located in Lafayette Parish. The property consists of a retail shopping mall (operating as the "Acadiana Mall") and associated movable property, including the rents that the property generates. As discussed in the accompanying memorandum, Plaintiff is holder of a mortgage on the property and is entitled to the issuance of a writ of sequestration on an *ex parte* basis because an event of default has occurred under the terms of the mortgage and it is within the power of the Defendant to conceal, dispose of, or waste the revenues generated by the mortgaged property.

Applying Louisiana state law, which is pertinent to this proceeding under Rule 64, the Court should set the amount of the sequestration bond at \$500,000 and authorize the Marshal, upon Plaintiff's posting of the bond, to seize the property and deliver it to Spinoso Real Estate Group, the keeper selected by Plaintiff, for the pendency of this action.

WHEREFORE, Plaintiff prays that the Court grant the motion and direct the Clerk of Court to issue a writ of sequestration upon the Plaintiff's posting of a bond in the amount of \$500,000.

Dated: January 29th, 2018

Respectfully submitted,

/s/ John M. Landis

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- and -

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above captioned proceeding was served on all counsel of record through operation of the Court's electronic case management/electronic case filing (CM/ECF) system this 29th day of January, 2018.

/s/ John M. Landis